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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA JR., CALEPA BUILDING

COASTAL HEARING ROOM

1001 I STREET, 2ND FLOOR

SACRAMENTO, CALIFORNIA

TUESDAY, JULY 10, 2007

9:00 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Margo Reid Brown, Chairperson

Mr. Wesley Chesbro

Ms. Rosalie Mul

Ms. Cheryl Peace

Mr. Gary Petersen

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Mr. Elliot Block, Chief Counsel

Mr. Howard Levenson, Program Director

Mr. Ted Rauh, Program Director

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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I CALL TO ORDER

1

V NEW BUSINESS AGENDA ITEMS

Consideration Of Approval Of Utilization Of
Board Resources And Contractors Acting Under The
Solid Waste Disposal And Codisposal Site Cleanup
Program For The Angora Fire Debris Management And
Restoration Project -- (This Item is being heard
pursuant to Government Code Section 11125.3.)

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Motion

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Vote

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VII ADJOURNMENT

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Reporter's Certificate

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1 PROCEEDINGS

2 CHAIRPERSON BROWN: Good morning. Today's
3 meeting is a special meeting of the Board which was
4 noticed last Tuesday. Government Code Section 11125.3
5 provides that the Board may take action on matters with
6 less than a normal ten days notice if the Board by
7 two-thirds of a vote determines that there exists a need
8 to take immediate action. And the need for action came to
9 its attention in less than ten days before this meeting.

10 Should we go ahead and call the roll first or do
11 you -- Mark.

12 EXECUTIVE DIRECTOR LEARY: Madam Chair, good
13 morning. It's really your preference. You could hear the
14 presentation, feel like -- and give us a signal whether we
15 met this standard or not after the presentation, or you
16 can move ahead now and --

17 CHAIRPERSON BROWN: Why don't you go ahead with
18 the presentation, Mark, and then we'll make that
19 determination.

20 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
21 Chair.

22 Just very briefly and then I'll turn it over to
23 Ted for some of the details.

24 With the Governor's Office Executive Order in
25 response to the Angora fire, the Governor called on all

1 state agencies to respond quickly and forcefully to assist
2 in maintaining the purity of northern California's most
3 sacred resources, Lake Tahoe.

4 And we -- fortunately we're in a position provide
5 some assistance, as Ted will detail. And today's agenda
6 item is about your support and -- a request for your
7 support and request for your delegation of some
8 authorities to me so that we continue to move aggressively
9 in response to removing the debris associated with the
10 Angora fire and prevent it from flowing in through erosion
11 and rain into Lake Tahoe and the north Truckee River.

12 But I'll turn it over to Ted now to give some of
13 the detail presentation and then we'll move forward.

14 PROGRAM DIRECTOR RAUH: Thank you. I'm Ted Rauh,
15 Program Director.

16 The item before you requests the Board approval
17 of a project to provide technical and remediation
18 assistance to El Dorado County for debris management and
19 restoration activities resulting from the Angora fire. If
20 approved, the Executive Director or his designee would be
21 authorized to utilize staff and available funds from the
22 Solid Waste Disposal and Codisposal Site Cleanup Program
23 and/or contractors acting under the program and other
24 resources to provide the requested assistance consistent
25 with the Governor's Executive Order S-0907.

1 At issue is the removal and stabilization of
2 construction debris from as many as 254 residents and 75
3 other structures lost to the fire. There are also
4 approximately 17 additional residents that were damaged or
5 otherwise affected by the fire.

6 Quick action is necessitated by a shortened
7 construction window -- any construction activity has to be
8 completed by October 15 -- the potential for significant
9 environmental harm to streams and Lake Tahoe as a result
10 of debris runoff, ash runoff that would come from these
11 locations; and of course the desire by local residents to
12 rebuild and get on with their lives.

13 The Board is in a position to respond to this
14 emergency because it has trained staff and contractors
15 that can be mobilized to meet this challenge.

16 Other disaster resources, notably the California
17 Disaster Relief Act funds administered by the State Office
18 of Emergency Services, are not available at this time to
19 address the emergency because the state budget has not yet
20 been approved.

21 Board staff has actively participated in the
22 multi-agency coordinating (MAC) team to develop a plan to
23 remove structural debris and ash from residences and other
24 properties that were either completely or partially
25 destroyed.

1 Responding to the Governor's Executive Order,
2 Board staff mobilized its northern California remedial
3 contractor, A.J. Diani Construction Co., to participate
4 with staff in the MAC planning effort and begin planning
5 to assume a lead role in the remediation work subject to
6 your approval.

7 The resulting MAC plan estimates the volume
8 debris to be removed at about 7,000 tons. It also
9 determines the waste characterization and other actions
10 necessary to complete the restoration and removal of the
11 debris.

12 Board-managed remediation projects are currently
13 accomplished through the use of two environmental services
14 contractors. As I mention add A.J. Diani. And in the
15 southern California, the remedial construction LLP
16 Company.

17 In addition, SCS Engineers, Incorporated, is
18 available for specific support needs as needed.

19 Funding for contractor support is available at
20 this time. The Solid Waste Trust Fund for fiscal year
21 2006-7 for contracts, loans, and grants is approximately
22 \$2 million. An additional \$1.15 million is available to
23 A.J. Diani contractor, and \$1.6 million is available to
24 the remedial construction contractor in southern
25 California.

1 Finally, approximately \$240,000 is available to
2 SCS as needed.

3 Board staff will utilize these resources to
4 initiate the remedial response to the Angora fire until
5 the budget is signed and OES provides direct funding for
6 reimbursement and ongoing project work.

7 At this point there are a hundred property owners
8 that have signed property release forms that have been
9 developed by the county. And the county's assuming the
10 responsibility of both achieving home hold-harmless
11 agreements and property access for this project.

12 The state is expected to provide reimbursement to
13 the Board for the costs we incur -- it incurs associated
14 with all aspects of its staff and contractor response to
15 Executive Order S-0907.

16 State funding will come from the California
17 Disaster Assistance Act once the FY 2007-8 budget is in
18 place. An agreement is being developed between the Board,
19 the county and OES to memorialize how funding from OES
20 will flow back to the Board for any Board funds expended.

21 Staff recommends the Board approve the proposed
22 assistance project and delegation of authority by adopting
23 Resolution 2007-162.

24 CHAIRPERSON BROWN: Thank you, Ted.

25 Any questions from Board members?

1 Senator.

2 BOARD MEMBER CHESBRO: Yes, I have a question.

3 So do I understand correctly that the terms of
4 the Executive Order indicate that our funds will be
5 reimbursed, that this is essentially a loan?

6 PROGRAM DIRECTOR RAUH: The Executive Order
7 indicates that we will be reimbursed. And this agreement
8 that I discussed earlier that's being worked out now will
9 contain the specifics of how the funding would flow back
10 from OES once that particular act is reauthorized and
11 funded.

12 BOARD MEMBER CHESBRO: Okay. Well, I think this
13 is a completely appropriate and necessary response. On
14 the other hand, it obviously will have fiscal impact in
15 terms of other needs. And so I think that's a -- a key
16 question is how do we backfill. But if that assurance is
17 there, that answers that question, I think. It seems like
18 there's a clear commitment to have the fund eventually --
19 our funds eventually be reimbursed.

20 CHAIRPERSON BROWN: The intention that the
21 document that's memorializing this to be signed prior to
22 the funds being expended, or some sort of a letter from
23 the Governor's Office of Emergency Services?

24 EXECUTIVE DIRECTOR LEARY: That's the intent,
25 Madam Chair. In fact, great progress has been made in the

1 last 24 hours on this, MOU between us, OES, and the
2 county. And could be considered by the county Board of
3 supervisors as soon as this evening at their board
4 meeting. So with that signature and OES signature, we'll
5 be well on our way.

6 Behind the scenes we're also working with
7 Department of Finance and the Governor's Office for the
8 management of the funds and the reimbursement that we
9 anticipate occurring.

10 So all signals are green at this point.

11 BOARD MEMBER CHESBRO: And do I understand -- I
12 apologize, because I haven't really had a chance to read
13 the document carefully. I just sped read it here. The
14 estimated total cost for the cleanup is \$7 million?

15 PROGRAM DIRECTOR RAUH: At this point it's
16 about -- between 7 and \$8 million.

17 BOARD MEMBER CHESBRO: And we're actually -- what
18 we have available is considerably short of that, right?

19 PROGRAM DIRECTOR RAUH: That's correct.

20 BOARD MEMBER CHESBRO: And so this is simply
21 getting the ball rolling in terms of getting the cleanup
22 and doing as much as we can do with the funds that are
23 available from the Board?

24 PROGRAM DIRECTOR RAUH: That's correct.

25 CHAIRPERSON BROWN: I think the -- I don't know

1 what that was. Sorry.

2 I think the issue is getting it started before
3 the rains come so that the remediation and erosion control
4 measures can be put in place; is that correct? Timing?

5 PROGRAM DIRECTOR RAUH: That's correct. Timing
6 is critical. And there are a hundred property owners
7 signed now. So as soon as the Board approves and the
8 agreement is in place, we'll be able to mobilize our
9 contractor and literally start either this weekend or the
10 first of next week, depending on the timing.

11 BOARD MEMBER CHESBRO: And then the assumption is
12 that eventually there'll be a budget and that OES monies
13 will be coming in behind what we've initially put up to
14 complete whatever needs to be done beyond what the Board
15 is paying for?

16 PROGRAM DIRECTOR RAUH: That's correct.

17 BOARD MEMBER CHESBRO: Thank you.

18 CHAIRPERSON BROWN: Great. Thank you.

19 EXECUTIVE DIRECTOR LEARY: One supplementary
20 note.

21 If in the event the budget's not signed and we
22 exhaust our funds, I think there is some consideration at
23 the Water Board to tap into their Cleanup and Abatement
24 account, which is one of the other State accounts that's
25 continuously appropriated and is accessible in lieu of a

1 budget being signed. So Executive Officer Dorothy Rice is
2 considering bringing that before her board for
3 authorization for additional funds to continue the
4 progress that we're trying to get started here.

5 CHAIRPERSON BROWN: Thank you, Mark.
6 Cheryl.

7 BOARD MEMBER PEACE: Well, I guess that was one
8 of the questions I had. When you said this is a
9 multi-agency effort here, were any of the other agencies
10 putting in money besides us?

11 EXECUTIVE DIRECTOR LEARY: I think we'd have a
12 lot more participation if the budget were signed. I think
13 we're in a unique situation without the passage of a
14 budget that, because of our money being in the contract
15 and the State Water Board having continuously appropriated
16 cleanup and abatement fund monies, that's really the only
17 two sources of money the state has to turn to. And I feel
18 fortunate that we're in a position to help as we are.

19 BOARD MEMBER PEACE: Well, I guess we really --

20 CHAIRPERSON BROWN: The money is there once the
21 budget's signed. The issue is that we have special funds
22 that are available currently without a budget signed. The
23 funds for the cleanup are there, so it's really not -- I
24 mean other than a multi-agency, the Water Board and the
25 Waste Board are the only ones as part of Cal EPA that are

1 part of the emergency team.

2 BOARD MEMBER PEACE: I'm sure the money is going
3 to be in the budget and at this program, I feel it is.
4 But there really isn't any assurance that we -- that it is
5 for sure going to be in the budget and that we'll get paid
6 back unless we would get a letter of assurance from all
7 four caucuses over there in the Legislature. That's
8 really the only way to make sure.

9 CHAIRPERSON BROWN: It's in the budget and --

10 BOARD MEMBER PEACE: Not signed yet though in the
11 budget -- I'm just saying that would be the only -- I'm
12 not saying that's what we should do. I'm just saying that
13 would be really the only for sure assurance we would have,
14 if you got a letter from all four caucuses of the
15 Legislature.

16 But like they said, we have about \$5 million.
17 It's going to be 7 to \$8 million to clean it up. So for
18 this -- if we approve this today, we're giving our
19 Executive Director authorization to use up to
20 \$5 million -- all the money that we have without coming
21 back to the Board at all? Is that what this does?

22 CHAIRPERSON BROWN: That is correct.

23 BOARD MEMBER PEACE: Okay. And we've already
24 considered that this is fire season and other things could
25 happen that we might need money for?

1 CHAIRPERSON BROWN: That's not the purpose of
2 this fund, Member Peace, is not fire cleanup remediation.
3 The purpose of this fund is for our purposes. But we're
4 in a unique situation with the Angora Fire that we can
5 expend these funds with our contractor, who is trained and
6 able to do this kind of remediation in a timely manner as
7 prescribed by the Governor's Executive Order.

8 BOARD MEMBER PEACE: I understand all that. I'm
9 just saying -- I'm just thinking back in 2003 when there
10 was a huge fire down in southern California, I don't
11 remember doing anything like this.

12 CHAIRPERSON BROWN: Because there was a budget
13 that paid for that. We're in a period of time because of
14 the beginning of the fiscal year that the funds that are
15 used by the state for this type of cleanup are not
16 available immediately; and because of the sensitive
17 environmental situation that exists in the Tahoe Basin,
18 the remediation needs to start immediately before erosion
19 and rain. And we're in a unique situation that we have
20 funds available and the contractor who has the expertise
21 to provide those services. That's the only reason that we
22 are considering this. This is not our charge.

23 BOARD MEMBER PEACE: I'm glad to hear that there
24 is other money from other agencies that are willing to put
25 money in, that we're not the only one.

1 So, okay. That answers my questions.

2 CHAIRPERSON BROWN: So, Elliot, let me -- do we
3 have any other questions?

4 BOARD MEMBER PETERSEN: No, I'd like to make a
5 motion.

6 CHAIRPERSON BROWN: We have two issues before us.
7 We first have to have a motion that the issue rises to the
8 level of a special Board meeting, correct, for
9 consideration?

10 CHIEF COUNSEL BLOCK: Right. Basically you would
11 need to decide that there exists -- need to take immediate
12 action and that need came to your attention less than ten
13 days before today.

14 BOARD MEMBER MULÉ: So moved.

15 CHAIRPERSON BROWN: Is there a second?

16 BOARD MEMBER PETERSEN: I'll second that.

17 CHAIRPERSON BROWN: It's been moved by Member
18 Mulé and seconded by Member Petersen.

19 Kristen, can you call the roll.

20 BOARD SECRETARY GARNER: Chesbro?

21 BOARD MEMBER CHESBRO: Aye.

22 BOARD SECRETARY GARNER: Danzinger? -- oh.

23 Mulé?

24 BOARD MEMBER MULÉ: Aye.

25 BOARD SECRETARY GARNER: Peace?

1 BOARD MEMBER PEACE: Aye.

2 BOARD SECRETARY GARNER: Petersen?

3 BOARD MEMBER PETERSEN: Aye.

4 BOARD SECRETARY GARNER: Brown?

5 CHAIRPERSON BROWN: Aye.

6 Majority of the -- the motion carries.

7 And so that brings us to the second motion.

8 Elliot, do you want to state what the motion --

9 CHIEF COUNSEL BLOCK: Well, I think it would be

10 just adoption --

11 CHAIRPERSON BROWN: -- just the resolution?

12 CHIEF COUNSEL BLOCK: -- of Resolution 2007-162.

13 CHAIRPERSON BROWN: Okay.

14 BOARD MEMBER MULÉ: So moved

15 BOARD MEMBER CHESBRO: Second.

16 It's been moved by Member Mulé and seconded by

17 Member Chesbro.

18 Kristen.

19 BOARD SECRETARY GARNER: Chesbro?

20 BOARD MEMBER CHESBRO: Aye.

21 BOARD SECRETARY GARNER: Mulé?

22 BOARD MEMBER MULÉ: Aye.

23 BOARD SECRETARY GARNER: Peace?

24 BOARD MEMBER PEACE: Aye.

25 BOARD SECRETARY GARNER: Petersen?

1 BOARD MEMBER PETERSEN: Aye.

2 BOARD SECRETARY GARNER: Brown?

3 CHAIRPERSON BROWN: Aye.

4 And we will hold that item open and the special
5 Board meeting open until further notice.

6 EXECUTIVE DIRECTOR LEARY: Madam Chair, if I
7 might, just in conclusion, I'd like to recognize a couple
8 of folks in the audience here that have been involved with
9 this. Bernie Vlach is here. Wes Mindermann, Scott
10 Walker, all these in response to this brings a lot of
11 people to the forefront. And we've had a lot of people
12 working long hours to assist in the fire. Todd
13 Thalhamer's up there. And of course Ted and his
14 management team are putting in long hours to set this
15 thing up. Tom Estes supports us from the Admin side and
16 his whole team.

17 And then I'd also like to express appreciation
18 for Don Johnson here, who's here from Cal EPA, who's kind
19 of been a focal point for all of Cal EPA's response,
20 working with Cindy Tuck and the Governor's Office.

21 So it's come together quite nicely and I'm very
22 proud of our staff in rising to the occasion.

23 CHAIRPERSON BROWN: Thank you, Mark, for doing
24 that. I appreciate that.

25 Thank you all very much.

1 Don, thank you for coming.
2 (Thereupon the California Integrated Waste
3 Management Board meeting adjourned at
4 9:20 a.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board
7 meeting was reported in shorthand by me, James F. Peters,
8 a Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 23rd day of July, 2007.

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22 JAMES F. PETERS, CSR, RPR

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